

## Eric T. Kohan

ASSOCIATE

Litigation

*Palo Alto*

ekohan@wsgr.com

650-565-3643



## FOCUS AREAS

Board and Internal Investigations  
Class Action Litigation  
Commercial Litigation  
Government Investigations  
Internet Strategy and Litigation  
Litigation  
Securities Litigation  
Supreme Court and Appellate

## EXPERIENCE

Eric Kohan is an associate in the Palo Alto office of Wilson Sonsini Goodrich & Rosati, where he litigates high stakes matters nationwide. Eric's diverse practice includes representing companies and directors in stockholder class actions, complex commercial litigation, and data privacy class actions from inception of an action through discovery, dispositive motion practice, arbitration or trial, and appeal. He has also assisted clients with internal investigations, as well as investigations led by various government agencies, including the Department of Justice, Securities and Exchange Commission, and Financial Industry Regulatory Authority.

Prior to joining Wilson Sonsini, Eric clerked for the Honorable Judge Rosanna Malouf Peterson in the Eastern District of Washington. In law school, he externed for the Honorable Judge Ed Shea in the Eastern District of Washington.

## CREDENTIALS

### Education

- J.D., University of Washington School of Law, 2018
- B.A., English (Writing) and Criminal Justice, Gonzaga University, 2015

### Admissions

- State Bar of California
- U.S. District Court for the Central District of California
- U.S. District Court for the Northern District of California
- U.S. District Court for the Southern District of California
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Eleventh Circuit

## MATTERS

### Representative Matters

- Represents TikTok and ByteDance in multiple data privacy class actions in federal court. In the matter based out of the Central District of California, the district court judge denied the plaintiffs' motion for class certification, denied reconsideration of his order denying class certification, and granted TikTok and ByteDance's motion for summary judgment.
- Represented Dropbox in securities class actions in state and federal courts arising out of its IPO. The federal court granted defendants' first motion to dismiss in their entirety. In an issue of first impression in California, the state court granted a motion to dismiss based on Dropbox's federal forum provision. The state court's dismissal based on the federal forum provision was affirmed on appeal.
- Represents the streaming platforms Hulu and Disney+ in lawsuits across 13 states alleging that the streaming platforms are liable to pay franchise fees, typically reserved for cable companies for

permission to lay cable wires on roads and sidewalks. Hulu and Disney+ achieved complete dismissal (from trial court up to state supreme courts and federal circuit courts) in 10 of the 13 states, with the rest still pending on appeal after achieving dismissal in the trial courts.

- Represented Nutanix in a securities class action arising out of its announcement of quarterly guidance. The court in the class action granted the motion to dismiss with prejudice as to most of the allegedly misleading statements. The parties then settled.
- Represented Aadi Bioscience, Inc. (n/k/a Whitehawk Therapeutics, Inc.) in arbitration with its Hong Kong-based licensee of its flagship drug, ABI-009, for development and commercialization in China. The licensee originally claimed Aadi was liable for over \$300 million in compensatory damages and lost profits. In a unanimous decision, the Tribunal held that Aadi did not breach the parties' license agreement, adopting Aadi's arguments regarding the interpretation of the license agreement and holding that Aadi exercised commercially reasonable efforts to provide the licensee with relevant manufacturing information.
- Represents Mylan NV in securities class action filed in the U.S. District Court for the Western District of Pennsylvania arising out of an announcement of receipt of Form 483s and implementation of remediation program at a manufacturing plant.
- Represented Balt USA, LLC in arbitration against Balt's former head of regulatory after discovering that the employee intentionally submitted false information to Japanese medical device regulator to obtain faster approval of a product, thus receiving higher commission. Balt proved that the former employee breached his fiduciary duties and his employment contract and secured an award of over \$5 million in damages related to the resulting recall of the medical device.
- Represents *pro bono* an individual on death row in Florida on his federal habeas petition, arguing that his trial counsel was ineffective and that the State failed to disclose key evidence under *Brady v. Maryland* with respect to the DNA testing used in the prosecution. Eric was the primary drafter for the merits briefing and delivered oral argument in the Eleventh Circuit.